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BEFORE THE
Federal Communications Commission
WASHINGTON, DC 20554

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In the Matter of	)	
	)	
Implementation of the Local Competition Provisions in The Telecommunications Act of 1996	)	CC Docket No. 96-98
	)	
Interconnection Between Local Exchange Carriers and Commercial Mobile Radio Services Providers	)	CC Docket No. 95-185

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COMMENTS OF ARCH COMMUNICATIONS GROUP, INC.

Arch Communications Group, Inc. ("Arch")[1] hereby files these Comments in response to certain Petitions for Reconsideration filed in connection with the *Second Report and Order and Memorandum Opinion and Order* issued in the captioned proceeding.[2] These Comments address arguments raised by various parties regarding recurring charges associated with numbers and NXX code relief.

On the issue of recurring charges, BellSouth requests clarification that the Commission's policy regarding code opening fees does not preclude the recovery of "ongoing costs" incurred by LECs for "ongoing maintenance of numbering information."[3] Arch does not quarrel with BellSouth's position as a general matter, but with the following caveats. First, in the context of Type 2 interconnection, the numbers assigned

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1 Arch provides paging service to approximately 3 million units in 38 states. Arch's operations include both common carrier and private paging systems; local, regional and nationwide paging systems; nationwide narrowband PCS operations through its investment in PCS Development Corp., and regional narrowband PCS operations through its investment in Benbow PCS Ventures, Inc.

2 FCC 96-333 (released Aug. 8, 1996) ("*Second Report*").

3 Petition of BellSouth at 9.

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reside in the switch of the requesting carrier, not the LEC's switch. As such, there are no numbers for the LEC to maintain. LECs therefore incur *no* recurring costs in this connection, and the assessment by LECs of any monthly fees for maintenance of numbers in a Type 2 interconnection environment would be entirely inappropriate.

Numbers associated with Type 1 interconnection present a somewhat different story since these numbers do reside in the LEC's switch. A recurring charge in connection with the "maintenance" of these numbers would be acceptable, but the fee assessed must be cost-based. In this regard, Type 1 numbers, once inputted into the software, should require little, if any, maintenance, and the costs associated with ongoing upkeep should be *de minimis*, and in no event greater than a few cents per block of 100 numbers. This, unfortunately, is often not the case — many LECs continue to assess exorbitant rates for the monthly "maintenance" of numbers. A case in point is Rochester Telephone Corp. As reflected in Attachment A hereto, Rochester Telephone charges $12.36 for a block of 100 numbers. An entirely separate charge is assessed for the DID facility. When Arch objected to this practice, Rochester responded as follows:

> We acknowledge your letter of October 25, 1996. As your letter notes, Paragraph 333 of the FCC's Second Report and Order prohibits only charges "solely" for the use of numbers. Our charges are not solely for the use of numbers. The charge to which you object is one rate element of a charge for a DID facility. The charge is for the facility, not for the numbers, although it is based on the quantity of numbers used as a proxy for the cost of the facility. If you did not use the DID facilities, there would be no charge for numbers.[4]

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[4] *See* Attachment B hereto.

Rochester's circumlocution notwithstanding, the fact is that Rochester charges $12.36 solely for the use of numbers in addition to the separate fee for the DID facility. Other LECs charge even more than Rochester for ongoing maintenance of numbers.[5] Arch urges the Commission to reconfirm that any recurring charges that are not cost-based will not be tolerated if brought to the Commission's attention.

Finally, Arch concurs with the views expressed by Paging Network, Inc. ("PageNet") and AirTouch Paging/Powerpage regarding problems associated with NXX code assignments. In particular, PageNet is correct in its assessment that NXX code shortages created by relief plan implementation delays cause disproportionately more harm to wireless carriers than wireless companies (because wireless carriers typically have much higher NXX code fill factors than their wireline counterparts), and that overlays are the preferred relief alternative in rapidly growing metropolitan areas of the country.[6] Arch also agrees with the assertions of AirTouch/Powerpage that the Commission should reconsider its decision not to prohibit the Texas PUC from implementing the wireless-only take-back.[7] As AirTouch/Powerpage note, the proposed Texas PUC take-back of numbers (1) imposes a greater burden on wireless carriers in connection with implementation of a geographic split; and (2) is not technology neutral as required by the Commission's policies. Arch also urges the Commission to take note of

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[5] Frontier Communication of Iowa, for example, charges Arch $163.70 per block of 100 numbers. *See also* Arch's earlier filed Comments in this proceeding wherein Arch documents LEC charges for ongoing maintenance of numbers.

[6] *See* Petition of PageNet at 2-4.

[7] *See* Petition of AirTouch/Powerpage at 15-20.

AirTouch/Powerpage's argument regarding the disproportionate burden on CMRS carriers that will result if Type 2 numbers must be changed in situations where there is a geographic split.[8]

Respectfully submitted,

Paul H. Kuzia
Vice President, Engineering and Regulatory Affairs
Arch Communications Group, Inc.
1800 West Park Drive, Suite 350
Westborough, PA 01581
(508) 870-6600

November 20, 1996

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[8] *See id.* at 17, n.41.

[illegible]
180 South Clinton Avenue
Rochester, New York 14646

ATTACHMENT A

Rochester Telephone Corp.

July 23, 1996

Mr. Dennis M. Doyle
Arch Communications Group, Inc
1800 West Park Drive, Suite 350
Westborough, Massachusetts 01581-3912

Dear Mike:

Rochester Telephone is pleased to offer you the following pricing for DID number groups.

Committed Term	Discount Percentage	Discounted Monthly Rate per 100 DID Numbers Group
1 Yr	12.0%	$12.36
3 Yr	25.0%	$10.53
5 Yr	35.0%	$9.13

This discounting is contingent upon maintenance of at least 90% of the current level of 100 DID Number Groups over the entire term of the contract. Currently, our records indicate the combined accounts of Arch Capital and Page NY contain 100 DID Number Groups.

Additionally, I have contacted our regulatory group and have asked to have our policy for 100 DID Number Groups for paging companies reviewed. I will keep you updated on any changes in this regard. In the interim, I encourage you to take advantage of any one of the pricing structures outlined above. We value Arch Communications Group as a customer and look forward to continuing our relationship.

Please contact me on 716-777-7124 with any questions or concerns you have in this matter. Thank you.

Sincerely,

Kim Czak

Kim Czak
Account Manager, Carrier Alliance

cc: D. Tellstone

ATTACHMENT B

RochesterTelephone Corp.

October 28, 1996

Mr. Dennis M. Doyle
Arch Communications Group, Inc.
1800 West Park Drive, Suite 350
Westborough, Massachusetts 01581-3912

Dear Mr. Doyle:

We acknowledge your letter of October 25, 1996. As your letter notes, Paragraph 333 of the FCC's Second Report and Order prohibits only charges "solely" for the use of numbers. Our charges are not solely for the use of numbers. The charge to which you object is one rate element of a charge for a DID facility. The charge is for the facility, not for the numbers, although it is based on the quantity of numbers used as a proxy for the cost of the facility. If you did not use the DID facilities, there would be no charge based on numbers.

Moreover, in this provision of Paragraph 333 of the Second Report and Order the FCC is merely reaffirming a 1986 decision. That decision deals with the assignment of NXX codes and telephone numbers. It does not prohibit charges for facilities. To the best of our knowledge, this issue of the structure of our DID tariff has not been raised by any carrier during the ten year period since this 1986 order was issued.

Please also note that the same paragraph of the Second Report and Order states that charges for interconnection are governed by the principles set out in the First Report and Order. As such, these charges are potentially subject to interconnection negotiations and arbitration by the New York Public Service Commission. These charges are certainly not subject to your threatened "self-help" remedy of unilaterally refusing to pay a portion of the charges. Unless and until these tariffed charges are changed by agreement or arbitration, either of which requires the express approval of the New York Public Service Commission, you are liable to pay the tariffed rates.

Please be advised that we are prepared to take all appropriate steps to collect those tariffed charges.

Sincerely,

Kim Czak

Kim Czak
Account Manager - Carrier Alliance

cc: M. Dooher - Manager - Carrier Alliance, Rochester Telephone
G. Sayre - General Attorney, Rochester Telephone

CERTIFICATE OF SERVICE

I, Joy Griffiths, hereby certify that copies of the foregoing Comments in Response to Petitions for Reconsideration were served this 20th day of November, 1996, by first-class postage prepaid to the following:

AirTouch Paging/Powerpage
c/o Carl Northrop, Esq.
Paul Hastings Janofsky & Walker
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BellSouth Corporation
c/o M. Robert Sutherland, Esq.
Rebecca M. Loug, Esq.
Theodore R. Kinglsey, Esq.
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Atlanta, GA 30309-3610

Paging Network, Inc.
c/o Judith St. Ledger-Roty, Esq.
Reed Smith Shaw & McClay
Suite 1100
1301 K Street, N.W., East Tower
Washington, DC 20005-3317

Joy M. Griffiths

Joy M. Griffiths